THE HON'BLE Mr. JUSTICE C.V. RAMULU

W.P.No.5296 OF 1998

ORDER:

This Writ Petition is misconceived.

The petitioner seeks to quash the proceedings issued by the Commissioner and Director of School Education, Andhra Pradesh, Hyderabad in his proceeding No.815/H3/94 dated 27.8.1994 rejecting the request of the petitioner to correct his date of birth in S.S.L.C. Register.

In the impugned proceedings it is stated that as per the Rules in vogue the proposal to correct the date of birth must be forwarded with all necessary documents/Registers through the Head Master of the Institution and District Educational Officer concerned. Further, with regard to alternation of date of birth, as per sub rule (5) of Rule 2 in G.O.Ms.No.94 dated 15.3.1994, the date of birth is determined on the basis of the school records or any proof produced at the time of entering into service and the entry in the Service Record shall be final and no subsequent variation of date of birth in the school records shall be entertained, except in case of *bona fide* clerical error under the orders of the Government. Therefore, the request of the petitioner to correct his date of birth in the original S.S.L.C. Register was rejected.

The date of birth of the petitioner is recorded in the S.S.L.C. Register as 17.2.1949, whereas according to the petitioner the correct date of birth is 25.1.1952, but due to parental mistake the date of birth was wrongly entered in the S.S.L.C. Register and after realizing the wrong entry in the S.S.L.C. Register, his father submitted an application to the 1st respondent on 1.8.1974 through proper channel, and he was informed that the matter was under consideration. Therefore, he took such a long time to approach the Commissioner and Director of School Education and the Commissioner and Director of School Education ultimately passed orders only on 27.8.1994 and the same was issued to the petitioner on 31.1.1997. These are all the assertions made by the petitioner only to show that he had been diligent in pursuing the matter etc. Be that as it may, this is a case of correction of date of birth not due to some genuine clerical error. Even according to the petitioner it is a

mistake committed by his parents. In such case, the only course left open to the petitioner is to approach the competent Civil Court and get a decree declaring his date of birth and then approach the authorities.

The order impugned does not call for any interference by this Court exercising jurisdiction under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed and it is accordingly dismissed. No costs.

10th August, 2005.

Kgr

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V. RAMULU

-

WRIT PETITION No : 5296 OF 1998

Between:

A. Subrahmanyam S/o Chanangaiah
R/o Balakrishnapuram, Yerapadu PO,
Chittoor District.

..... PETITIONER

AND

1. Government of Andhra Pradesh., Represented by its Secretary, School Education, Secretariat, Hyderabad, A.P.

2 Commissioner and Director of School Education,
A.P., Hyderabad.

3 Sri Venkateswara High School, Tirupathi, Rep: by Headmaster.
Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or direction declaring that the proceedings bearing no. 815/H3/94 dated 27-8-1994 (Issued on 31-1-1997) of the 2nd respondent as arbitrary, illegal, unjust and the in-action on the part of respondents in not considering the representations of Petitioner which is supported by extract of birth register of the Petitioner, as arbitrary, illegal, unjust and issue a consequential direction directing the respondents to effect necessary correction to the date of birth of the Petitioner in the Petitioner's H.S.L.C. Register and other Government records, including service register of the Petitioner, and pass

Counsel for the Petitioner: Mrs. A.VYJAYANTHI

Counsel for the Respondent: GP FOR SCHOOL EDUCATION